

Monday, December 8, 2014 at 6:00 PM
Wasatch County Services Building, Room 126
55 South 500 East, Heber City, UT

Quorum present: Council members John Glodowski and Eric Bunker were present when Mayor Chip Turner called the meeting to order at 6:00 PM. Council member Kasey Bateman was absent. Council member Blotter arrived later in the meeting. Recorder Lynne Shindurling was present to record the minutes, and Treasurer Sherri Price was also present.

Members of the public in attendance were: Kim and Barbara Norris, Tim Jones, Ryan Taylor, and Ben Probst.

1) PUBLIC COMMENT CONCERNING ANY ISSUE NOT ON THE AGENDA

Barbara Norris brought to the Council her desire for the Town of Daniel to adopt a Pit Bull ordinance prohibiting this breed of dog being owned by residents within the Town and cited statistics relating to dog bites and fatalities resulting from Pit Bull attacks on people throughout the United States.

Council member Jon Blotter arrived at 6:03 PM.

Ms. Norris offered to present ordinances she has obtained off of the Internet that are currently in effect in other cities dealing with Pitbulls. The Mayor asked that the Recorder put this as an agenda item for discussion during the January 2015 meeting.

2) PRESENTATION OF DANIEL TOWN 2013-14 FISCAL YEAR AUDIT BY OUR AUDITOR BEN PROBST, CPA, OF GILBERT & STEWART

Mr. Ben Probst of Gilbert & Stewart presented the 2014 audit report to the Council and all present. He thanked Treasurer Sherri Price and Recorder Lynne Shindurling for their cooperation in getting to him and his firm the requested documents in a timely fashion. Due to the Town's obligation to the Division of Drinking Water for Water Revenue Bonds, the Town is required to produce a copy of its audit to them. A request had been made to the Division if the Town could qualify for a lesser audit, an "agreed-upon procedure report." They agreed as

long as the Town's annual revenue was \$500,000 or less. Due to a project in which FEMA provided funds to the Town, our revenues were slightly over that amount and required a full audit for the 2014 year. Hopefully next year we will qualify for the lesser audit.

Council member Blotter inquired about the liabilities section of the audit. Mr. Probst stated the long-term debt listed has to do with the Water Enterprise Fund dealing with the bonds the Town has outstanding. Due to the new government GASB 34 accounting regulations, the process has gotten a little more complicated. Mr. Probst explained he compiles the depreciation schedules from the books maintained by Treasurer Price. He stated that the \$19,000 difference in property taxes from the previous year is property taxes that have been assessed by Wasatch County but are uncollected.

Pursuant to UCA 67-16-9, the Town of Daniel must have in place a policy concerning conflicts of interest on the part of Town officials. As new officers come into office, they are required to sign a Conflict of Interest statement giving full disclosure to the Town of their business interests. Mr. Probst suggests formal adoption of a general policy regarding conflict of interest.

Council member Bunker inquired about how the depreciation schedules work in a municipality versus business. Kim Norris asked if municipalities can fast-track depreciation as businesses do. Mr. Probst stated it is done differently where you depreciate in a straight-line method over the life of the asset. This helps set up cash reserves for the future. There is no advantage to fast-tracking by a municipality.

3) ADOPTION OF DANIEL ORDINANCE 2014-12-08 ESTABLISHING MEETING SCHEDULES FOR PUBLIC MEETINGS FOR 2015

The dates for 2015 meeting schedules were provided to Council members in the November Council meeting. The ordinance was read by Mayor Turner.

Council member Blotter moved to adopt the ordinance as written, seconded by Council member Glodowski. The motion passed with unanimous "aye" votes.

4) ADOPTION OF CULINARY WATER IMPACT FEE FACILITIES PLAN RESOLUTION DR-2014-12-08A (prepared for the meeting)

**5) ADOPTION OF CULINARY WATER IMPACT FEE WRITTEN ANALYSIS
RESOLUTION DR-2014-12-08B (prepared for the meeting)**

Mayor Turner read a new resolution suggested by Ryan Taylor titled DR-2014-12-08A, dealing with the culinary water facility plan, written analysis, and impact fee Enactment. This, in effect, combined the two resolutions which had been prepared dealing with the culinary water into one. The newly created resolution and its acceptance by the Town Council will be included in the records maintained by the Clerk/Recorder.

Council member Glodowski moved that the Council adopt the resolution. Council member Blotter seconded the motion, stating he would abstain from voting as he was not present at the previous meeting and had not thoroughly read the documents.

As part of the ensuing discussion, Council member Bunker inquired if a change in use is considered new development with regard to impact fees. Ryan Taylor answered no, not typically. As an example, he stated if a home owner upgraded from a ¾" meter to a 2" meter, they would be given credit for the ¾" but charged the difference in going to a 2" meter. Epic Engineering will look at each project individually and assess how fees are to be assessed.

Council member Bunker inquired if a request for reasonable accommodation would provide a discount to a resident. Mr. Taylor stated no such accommodation should be made.

After completion of the discussion the Council voted to pass the resolution with the following vote: Bunker, aye; Glodowski, aye; Turner, aye; and an abstention from Council member Blotter. The motion passed.

Council member Blotter further inquired regarding the amount of the culinary water impact fee as presented in the documents. Mr. Taylor informed him of the impact fee plus buy-in amount as had been discussed in the initial presentation by Mr. Taylor in November when Council member Blotter was not present. Discussion also ensued regarding the likelihood of prevailing in a

court situation where the fees are challenged, and a decision was made to send the final documents along to the Town's legal counsel for review.

6) ADOPTION OF TRANSPORTATION IMPACT FEE FACILITIES PLAN

RESOLUTION DR-2014-12-08C (prepared for the meeting)

7) ADOPTION OF TRANSPORTATION IMPACT FEE WRITTEN ANALYSIS

RESOLUTION DR-2014-12-08-D (prepared for the meeting)

Mayor Turner read a new resolution suggested by Ryan Taylor titled DR-2014-12-08B, dealing with the transportation facility plan, written analysis, and impact fee Enactment. This, in effect, combined the two resolutions which had been prepared dealing with transportation into one. The newly created resolution and its acceptance by the Town Council will be included in the records maintained by the Clerk/Recorder.

Council member Glodowski moved to adopt the resolution as read. The motion was seconded by Council member Blotter, who then inquired about doubling the population in the Town without reducing the RA5 zoning. Ryan Taylor stated the figure was derived using current 5-acre homes and those currently comprised of less than 5 acres, using the latest census information of 2.8 people per residence. The Town is presumed to be built out by the year 2050 using the governor's office data.

With no further discussion, the motion passed by the following vote: Bunker, aye; Glodowski, aye; Turner, aye; and abstention by Council member Blotter.

8) BUSINESS LICENSE APPLICANTS

Council member Bunker reported renewals by Flower Time, Dr. Soot, and Suburban Propane. All three had been sent letters of delinquency and responded by sending in the renewal fees. The new licenses will be issued to reflect their original expiration dates.

Mayor Turner reported to the Council having received information that perhaps individuals were doing business without a license. The Town's attorney is looking into remedies for such instances.

9) PLANNING DEPARTMENT REPORT

Council member Bunker presented his hours worked doing planning duties, which totaled 31 hours, and Blue Stakes activities for the month being 16 hours as only six tickets had presented during the month of November.

He then provided a summary of the Epic Engineering invoices submitted for November. Mayor Turner asked to receive a summary sheet of inspections performed by Epic against the permit fees collected to make sure the Town is on track. Council member Blotter asked whether it would be more efficient to have Epic collect permit fees directly rather than have them go through the Town bank accounts. Since the current method provides checks and balances for the Town, a decision was made to proceed as we have been.

Next ensued discussion regarding a Planning Department Application which had been submitted by Charles Schultz regarding his property on 3000 South. He asked in the application for the Town to make a determination whether a residential home can or cannot be built on the subject property. He had been asked to provide supporting documentation with the application, and since he failed to do so, this item was not put on the agenda for consideration by the Council. Planning Director Bunker had asked that he make formal application to build on the lot, as he had previously been asked to produce a Lot of Record, so the Planning Commission can proceed through the process.

Mr. Bunker then reported on a construction site at 3684 Big Hollow Road where material had blocked a drainage canal and fill dirt full of weed seeds had been deposited. Both problems have been addressed by the owner.

10) DANIEL MUNICIPAL WATER ISSUES AS NECESSARY

Kim Norris reported on behalf of DMW that some collection problems had arisen again, but the water folks find if you mention a resident's water is going to be turned off for non-payment of a bill, they make every effort to get it paid.

Mr. Norris also mentioned the pump house is operating on only one pump as they are waiting to receive a part for the second pump. Both the water operators and engineer are working on the issue to get the second pump up and running. A seal in the same pump was replaced some time ago under warranty and the Town is pursuing replacement again as soon as possible. Under such circumstances, all agreed it's beneficial to have two pumps.

11) REVIEW AND POSSIBLE ADOPTION OF RESOLUTION REGARDING NOXIOUS WEED MITIGATION PLAN FOR CURRENT RESIDENTS, CONTRACTORS AND BUILDERS AT TIME OF CONSTRUCTION, DR-2014-12-08-C. (The number was changed from 12-08-E as the prior four resolutions were cut down to two.)

The resolution DR-2014-12-08-C was read by Mayor Turner. ***Council member Glodowski moved that the Council adopt the resolution as written, with a second from Council member Blotter.***

Council member Bunker inquired whether this would more properly be an ordinance rather than a resolution. The issue is going to be researched and reported on at the next meeting.

The motion to adopt the resolution as written passed unanimously.

12) APPROVAL OF COUNCIL MEETING MINUTES, INCLUDING IMPACT FEE PUBLIC HEARINGS, OF NOVEMBER 3, 2014

Council member Bunker asked a change be made on page 7 regarding the language "they cannot cross municipal boundaries," making it read "will not." ***With the change having been agreed upon, a motion was made for approval of the minutes by Council member Bunker. The motion was seconded by Council member Blotter and passed by the following vote: Bunker, aye; Glodowski, aye; Turner, aye; and an abstention by Blotter as he was not present for the meeting.***

13) DISCUSSION ON RIGHT-OF-WAY AND SURVEY ISSUES ALONG 1200 WEST (SOUTH FIELDS ROAD)

Ryan Taylor wanted clarification from the Town Council if Epic Engineering is to proceed with a survey and possible lot line adjustment. Even though there

are some right-of-way issues involved along South Fields Road south of 3000 South, no application has been made by a resident. The Council agreed to have a survey performed at this time as it will, at some point, be necessary to continue with approval of a proposed subdivision. Council member Bunker informed the Council that the documents he has reviewed indicate that Legend Engineering has already set caps in furtherance of the survey work.

Mayor Turner advised Epic Engineering they can expend the initial \$5,000 for work on this site, as provided in Town Code for professional services, to begin the survey. Ryan Taylor feels this can come out of funds budgeted for roadwork, as the contracts with recent contractors for resurfacing, crack sealing, and striping came up less than proposed and there is money available still.

Kim Norris asked if this action would set precedent for others wanting similar work done, such as on Big Hollow Road where right-of-way issues exist. He was informed the survey work has already been done on Big Hollow Road, but that an issue could arise anywhere in the Town and would be looked at for a solution on a case-by-case basis.

14) RECORDER'S OFFICE: WARRANT APPROVAL, ANNOUNCEMENTS, ETC.

The warrants for the month were presented by Clerk Lynne Shindurling. As the warrants for DMW were reviewed, Kim Norris inquired whether Chris Anderson had received payment for his IT work. Ms. Shindurling informed those present Mr. Anderson had contracted for a lump sum to initially set up the new water system program, which included a year's maintenance, and that he has been paid in full. Mayor Turner added we are intending to pursue the new Town website building in 2015, as well as online bill payment for water bills.

Mayor Turner reported the initial setup with Xpress Bill Pay is about \$1,800 to \$2,000, but he will try to have more concrete figures for the Council next month. Council member Bunker performed some quick calculations to see if it is feasible for the water customers to go to the updated system where the Town has 153 customers presently. It would take time for the Town to receive the initial expenditure back, but should be worth doing in the long run. Sherri Price expressed her willingness to help Joyce Anderson with the new billing procedures, if necessary.

Council member Bunker inquired of Ryan Taylor if having Wasatch County replace the stop signs was of economic benefit. Mr. Taylor said it couldn't have been done for less by anyone else. Council member Blotter mentioned a previous discussion of possibly having the sign replacement be done as an Eagle Scout project. Mr. Taylor expressed his concern that the Town was under pressure to get into state compliance on the replacement, but there are still more signs to be done and perhaps this could become a project for one or more young men.

Council member Bunker moved to approve the warrants as presented for the month of November 2014. Council member Blotter seconded the motion, and it passed with unanimous "aye" votes.

15) ADJOURN

Council member Glodowski moved to adjourn. The motion was seconded by Council member Bunker, and the Council voted unanimously to adjourn. Mayor Turner adjourned the meeting at 6:06 PM.

Lynne Shindurling,
Clerk/Recorder